

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

Criminal No.  
04-10129-RCL

UNITED STATES OF AMERICA

v.

MARK A. McARDLE

**MEMORANDUM AND ORDER OF DETENTION**

June 9, 2004

DEIN, M.J.

The defendant is charged in a multi-count indictment with conspiracy to distribute oxycodone in violation of 21 U.S.C. § 846, conspiracy to import oxycodone in violation of 21 U.S.C. § 963, conspiracy to distribute marijuana in violation of 21 U.S.C. § 846, attempted possession of marijuana with intent to distribute and aiding and abetting in violation of 21 U.S.C. §§ 841(a)(1) and 846 and 18 U.S.C. § 2, being a felon in possession of a firearm in violation of 18 U.S.C. § 922(g)(1), possession of a firearm bearing an obliterated serial number in violation of 18 U.S.C. § 922(k), conspiracy to distribute a controlled substance in violation of 21 U.S.C. § 846, three counts of attempted possession with intent to distribute and distribution of cocaine and aiding and abetting in violation of 21 U.S.C. §§ 841(a)(1) and 846 and 18 U.S.C. § 2, distribution of cocaine in violation of 21 U.S.C. § 841(a)(1), and money laundering in violation of 18 U.S.C. § 1956(a)(1)(B)(i). An initial appearance was held on March 10, 2004 at which time the government moved for a detention hearing on the grounds that

the defendant is a danger to the community under 18 U.S.C. § 3142(f)(1)(C) and poses a serious risk of flight in accordance with 18 U.S.C. § 3142(f)(2)(A). The defendant was represented by counsel at his initial appearance.

A detention hearing was scheduled for March 19, 2004. At that time the matter was continued at the defendant's request to March 26, 2004. On that date, the matter was continued at the joint request of the parties to March 31, 2004. It was thereafter continued again at the joint request of the parties to June 7, 2004 and then June 9, 2004. The defendant was represented by counsel throughout these proceedings.

At the hearing today, the defendant, through counsel, waived his right to a detention hearing at this time, and consented to the entry of an order of detention.

Accordingly, it is ORDERED that the defendant be DETAINED pending trial, and it is further ORDERED --

(1) That the defendant be committed to the custody of the Attorney General for confinement in a correction facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;

(2) That the defendant be afforded a reasonable opportunity for private consultation with counsel; and

(3) On order of a court of the United States or on request by an attorney for the government, the person in charge of the corrections facility in which the defendant is detained and confined deliver the defendant to an authorized Deputy United States Marshal for the purpose of any appearance in connection with a court proceeding.

This order is without prejudice to the defendant filing a motion at any time seeking a hearing for the purpose of considering conditions of release, regardless whether there have been changed circumstances.

/ s / Judith Gail Dein  
Judith Gail Dein  
United States Magistrate Judge